

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant(s): Sam Durrant

Serial No: 10/506,557

Filing Date: September 2, 2004

Title: CORNER PROTECTORS FOR PICTURE FRAMES

Examiner: Bryon P. Gehman

Art Unit: 3728

Docket No. IPLTP0102US

**PETITION TO WITHDRAW/WAIVE REQUIREMENT
FOR A SUPPLEMENTAL DECLARATION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petition is made for withdrawal or waiver of the Examiner's requirement for a supplemental declaration. The new declaration is being required because the original declaration allegedly is defective because it does not state that the person making the declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. The reference in the original declaration to 37 CFR 1.56(a), instead of 37 CFR 1.56, is being deemed insufficient.

The original declaration clearly acknowledges the duty to disclose information material to patentability. While the declaration refers to 37 CFR 1.56(a), such paragraph sets forth the "duty to disclose to the Office all information known...to be material to patentability **as defined in this section.**" This necessarily incorporates all of the requirements of 37 CFR 1.56. Because the applicant's declaration meets the substance of 37 CFR 1.56, a supplemental declaration is unnecessary and therefore it is requested that the requirement therefor should be withdrawn or waived. Moreover, it is believed that at one time a form prescribed by the Office made reference to 1.56(a) instead of 1.56, although a copy of that form is not presently available to the undersigned.

The request for a supplemental declaration also should be withdrawn or waived because it was untimely. According to MPEP 602.03, "in the **first** Office action the examiner **must** point out **every** deficiency in a declaration or oath and require the same to be remedied." MPEP 602.03 (emphasis added). The purported deficiency and requirement for a supplemental declaration was not identified until the **third** Office action.

Applicant's undersigned representative receives instructions from British firm who advise that the inventor is difficult to track down and this would present a problem in securing execution of a supplemental declaration at this time.

The Commissioner is hereby authorized to charge any fee associated with this communication to Deposit Account No. 18-0988 under Docket No. IPLTP0102US.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Don W. Bulson/

By

Don W. Bulson
Registration No. 28,192

1621 Euclid Ave. - 19th Floor
Cleveland, Ohio 44116
(216) 621-1113

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